Atty. Docket No.: 42390.P11353

U.S. Application S/N: Filed concurrently herewith

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (For Intel Corporation Patent Applications)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

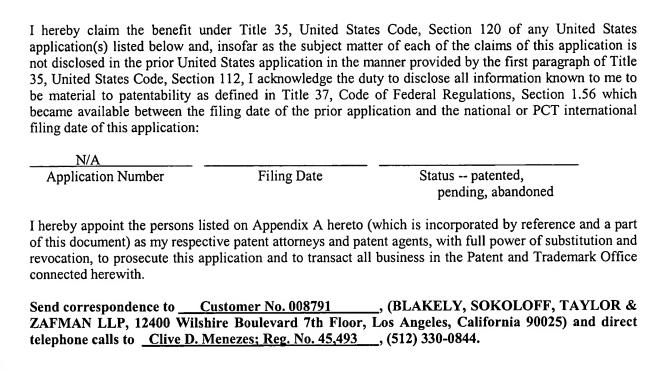
## METHOD TO AVOID VIA POISONING IN DUAL DAMASCENE PROCESS

| the specification of which   |  |   |  |
|--|--|---|--|
| X is attached he   | reto.  |   |  |
| was filed on   |  |   | as   |
|  | nited States Applicati   |   |  |
|  |  | pplication Number   | <del>.</del>   |
| a  | nd was amended on  | (if applicable)   |  |
|  |  | (if applicable)   |  |
| including the claim(s), as<br>believe that the claimed in<br>invention thereof, or patent<br>thereof or more than one y<br>the United States of Ameri<br>been patented or made the<br>any country foreign to the | amended by any american was ever known to the described in any ear prior to this applical more than one year subject of an inventor are United States of more than twelve more | tand the contents of the above endment referred to above. I own or used in the United State y printed publication in any concation, that the same was not it is prior to this application, and its certificate issued before the America on an application faths (for a utility patent application. | do not know and do not<br>tes of America before my<br>untry before my invention<br>n public use or on sale in<br>that the invention has not<br>date of this application in<br>iled by me or my legal |
| I acknowledge the duty to on Title 37, Code of Federa  |  | on known to me to be material 1.56.   | to patentability as defined  |
| foreign application(s) for p   | atent or inventor's cer  | Citle 35, United States Code, Strificate listed below and have cate having a filing date before   | also identified below any  |
| william priority to oranical   |  |   | Priority   |
| Prior Foreign Application(s)   |  |   | Claimed  |
|  |  |   |  |
| N/A  |  | (D. 1. E.)  | - <del></del> -  |
| (Number)   | (Country)  | (Foreign Filing Date)   | Yes No   |
| I hereby claim the benefi<br>provisional application(s) l  |  | nited States Code, Section 11   | 9(e) of any United States  |
| N/A  |  |   |  |
| Application Number   | (Filing Date)  | )   |  |
|  |  |   |  |

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patent issued thereon.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any

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U.S. Application S/N: Filed concurrently herewith (D3 Intel)



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## APPENDIX B

## Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by \$\\$1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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